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In re Application of

LADOUCE, et al.

U.S. Application No.: 10/049,447

PCT No.: PCT/FR00/02307

Int. Filing Date: 11 August 2000

Priority Date: 13 August 1999

Attorney Docket No.: 1022702-0000227

For: ORGANIC COLLOIDAL DISPERSION OF  
ESSENTIALLY MONOCRYSTALLINE PARTICLES OF  
AT LEAST ONE COMPOUND...AND USE THEREOF

DECISION

This decision is in response to applicant's petition to revive filed 15 July 2009 in the United States Patent and Trademark Office.

### **BACKGROUND**

On 12 February 2002, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by payment of the full, U.S. basic national fee and a preliminary amendment.

On 24 April 2002, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to provide an oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. Applicant was afforded two months to file the proper reply and informed that this period could be extended pursuant to 37 CFR 1.136(a).

On 13 January 2004, applicant was mailed a "NOTIFICATION OF ABANDONMENT" (Form PCT/DO/EO/909) for failure to respond to the Form PCT/DO/EO/905 mailed 24 April 2002.

On 15 July 2009, applicant filed the petition to revive discussed herein.

### **DISCUSSION**

A review of the mailed forms finds that they were not mailed to the correspondence address provided on the Form PTO-1390 transmittal letter filed by applicant. As such, the mailing of the notification of abandonment was improper. A review of the present filing finds that it contains a compliant combined declaration and power of attorney.

**CONCLUSION**

For the reasons above, applicant's petition under 37 CFR 1.137(b) is **DISMISSED as moot.**

The form PCT/DO/EO/905 mailed 24 April 2002 and form PCT/DO/EO/909 mailed 13 January 2004 are hereby **VACATED.**

The application has an international filing date of 11 August 2000 under 35 U.S.C. 363 and will be given a date of **15 July 2009** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision; including the refunding of the petition under 37 CFR 1.137(b) petition fee.



Derek A. Putonen  
Attorney Advisor  
Office of PCT Legal Administration  
Tel: (571) 272-3294  
Fax: (571) 273-0459